

Notice of Allowability	Application No.	Applicant(s)	
	10/642,629	DALLMEYER ET AL.	
	Examiner	Art Unit	
	Darren W. Gorman	3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 17 February 2006.
2. ☒ The allowed claim(s) is/are 2-15, 22 and 23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S COMMENTS

1. The examiner hereby acknowledges cancellation of claims 1 and 16-21, and the addition of claims 22 and 23.

Drawings

2. The annotated drawing sheet showing a marked-up version of Figure 1 was received on February 17, 2006. The proposed drawing corrections are deemed acceptable with respect to overcoming the pertinent objections under paragraph 3 of the office action mailed November 17, 2005. Corrected drawing(s) labeled as replacement sheet(s) must be submitted including the above-mentioned changes to Figure 1.

Response to Arguments

3. Applicant's arguments, see the last paragraph on page 11, filed February 17, 2006, with respect to the rejection of claims 1-6 on the ground of obviousness-type double patenting over claims 1-6 of copending US Patent Application No. 10/642,628, and in view of the amendments to the claims filed therewith, have been fully considered and are persuasive. The obviousness-type double patenting rejection of claims 2-6 has been withdrawn.

4. Applicant's arguments, see pages 12-13, filed February 17, 2006, with respect to the rejection under 35 U.S.C. 102(b) of claims 1-5 as being anticipated by US Patent No. 6,390,067 to Haltiner et al., and the rejection under 35 U.S.C. 103(a) of claims 6-15 as being unpatentable over Haltiner et al. in view of Fly et al. (US Patent No. 6,572,028), and in view of the

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amendments to the claims filed therewith, have been fully considered and are persuasive. The rejection of claims 2-15 has been withdrawn.


Allowable Subject Matter

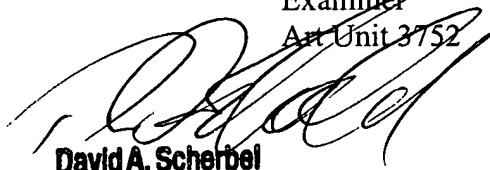
5. Claims 2-15, 22 and 23 are allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Gorman whose telephone number is 571-272-4901. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DWG
March 6, 2006

Darren W Gorman
Examiner
Art Unit 3752

David A. Scherbel
Supervisory Patent Examiner
Group 3700